

## REMARKS

Claims 1-7 are pending for examination in the present application.

Claims 1-3 stand finally rejected pursuant to 35 USC §102(b) as being anticipated by Froeschke, US 4,623,307.

Claims 4-5 stand rejected pursuant to 35 USC §103(a) as being unpatentably obvious over Froeschke in view of Lambert, US 3,748,998.

Claims 6-7 stand rejected pursuant to 35 USC §103(a) as being unpatentably obvious over Froeschke in view of Wark, US 6,588,598.

### 35 USC §102(b) Rejection of Claims 1-3

Independent claim 1 is directed to a diffuser for a distribution system for use in a pastillation machine. Applicant respectfully submits that the Examiner's reliance upon the Froeschke reference to reject claims 1-3 is flawed. The Examiner continues to allege that the nozzle bar of Froeschke is equivalent to the Applicant's diffuser bar. The Examiner fails to appreciate that the nozzle bar of Froeschke is a one-piece distribution system that is prone to clustering and agglomeration of the flowable substances. This creates voids in the downwardly open groove 26, leading to a product of inferior quality and inconsistent sizing. In contrast, use of the diffuser bar of the present invention ensures that void-free molten material is contained within the feeder slot 65 prior to being extruded, thus overcoming the shortcomings of the prior art, in particular Froeschke.

In his arguments, the Examiner has emphasized that "The "nozzle" bar is centered along a groove on the body part of the inner container, where said groove is considered to anticipate Applicant's "centering device" and the inner container is considered to read on Applicant's "bore"". The Examiner continues to disregard the fact that in the present invention, the centering device is "coupled to said elongate body". The centering device is a feature of the diffuser, not any other element of the distribution system. The groove of Froeschke is certainly not coupled to the nozzle bar, as would be suggested by the equivalence being attempted by the Examiner. Since the groove of Froeschke is most certainly not coupled to the nozzle bar, Froeschke is not

anticipatory under 35 USC §102(b). MPEP 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ 2d 1051 (Fed. Cir. 1987).

The Examiner has failed to respond to arguments similar to those set forth above distinguishing Froeschke when such arguments were submitted in response to the Examiner's initial office action. The Examiner has merely stated that Applicant's arguments are not persuasive. Applicant would greatly appreciate an explanation from the Examiner how the groove of Froeschke anticipates the centering device of Applicant's invention when claim 1 of the present invention clearly recites that the centering device is coupled to the elongate body (i.e., the diffuser), not the distribution bar or other structure in which the diffuser is positioned. The groove of Froeschke is certainly not coupled to the elongate body (i.e., the nozzle bar of Froeschke), but is instead a structural feature of the inner container. In addition, Applicant would appreciate a detailed explanation of how the inner container of Froeschke can be interpreted as a bore. The Examiner's attention is called to the fact that "bore" as used throughout Applicant's specification with respect to the bore 68 is used and is intended to have the customary meaning of the word "bore". "Bore" is customarily defined as a cylindrical hole made by or as if by boring, or the long, usually cylindrical, hollow part of something (see attached definition, Webster's Ninth New Collegiate Dictionary). The inner container of Froeschke which is interpreted as a type of bore is a substantially solid body 40 in the vicinity of the nozzle, and thus can not anticipate Applicant's bore, and is not, in fact, a bore under the customary definition of that word. Applicant respectfully submits that claims 1-3 are novel in view of US 4,623,307. Reconsideration is respectfully requested.

#### 35 USC §103(a) Rejection of Claims 4-7

Claims 4-7 depend from claim 1. Neither Lambert, US 3,748,998 nor Wark, US 6,588,598 teach the critical elements of claim 1, namely an elongate body sized to fit within a bore, including a centering device coupled to the elongate body for engaging at least one surface of the bore. As discussed above, Froeschke, US 4,623,307 also does not teach these critical elements.

In view of the foregoing, Applicant respectfully submits that claims 4-7 are not obvious over Froeschke in view of Lambert or Wark. Reconsideration of the Examiner's pending 35 USC §103(a) rejection is respectfully requested.

For the reasons set forth above, Applicant respectfully submits the claims as filed are allowable over the art of record and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes any needed request for time. The undersigned hereby authorizes the charge of any deficiency of fees submitted herewith, or the credit of any overpayment, to deposit account number 19-5117.

Respectfully Submitted,

James L. Brown, #48,576  
Swanson & Bratschun, LLC  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
303.268.0066  
303.268.0065 (FAX)

cc: Sim & McBurney

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